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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,684	11/06/2000	Yves Mactz	PF990072	8282
24498	7590	09/10/2007	EXAMINER	
JOSEPH J. LAKS, VICE PRESIDENT THOMSON LICENSING LLC PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			LONSBERRY, HUNTER B	
		ART UNIT	PAPER NUMBER	
		2623		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/706,684	MAETZ ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hunter B. Lonsberry	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 6/14/07.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 8-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/14/07 have been fully considered but they are not persuasive.

Applicant argues that neither Knee nor Knudson disclose or suggest receiving a time indication tied with each partial dynamic summary nor displaying the time indication tied with the last partial dynamic summary incorporated in the upgradeable summary. While Knee does show a current score and inning of a baseball game, Applicant argues that scores shown by inning with the inning being a time indication is not equivalent to a time indication tied with each partial dynamic summary. An inning in the sporting event is not tied to an actual time nor is it a fixed length of time. Rather it is a reference to a period within the sporting event itself. Knee is otherwise silent in regards to receiving a time of update for each partial dynamic summary. (Page 6)

The Examiner disagrees. Each inning refers to a discrete temporal period.

<http://dictionary.reference.com/browse/time> defines time as: the system of those sequential relations that any event has to any other, as past, present, or future; indefinite and continuous duration regarded as that in which events succeed one another. A particular period considered as distinct from other periods. A limited period or interval, as between two successive events.

The broadest possible reasonable interpretation of time would include an inning as it meets the above definition. There is a sequential relationship (1st inning, 2<sup>nd</sup> inning etc); it is a limited period or interval. The innings end at some point. Further there is clearly an indication for each time period, the number of the inning. The claims do not refer to a specific numerical time, such as 12:15 pm, merely a time indication. In this case the time indication is an inning number.

Applicant argues that Knee and Knudson, alone an in combination does not discuss or suggest, "transmitting a time indication tied with each partial dynamic summary". The present invention discloses transmitting a time indication that is in reference to the time at which the information was updated. (Page 8)

The examiner disagrees. As discussed above, the time indication is an inning number.

Applicant argues that Machida does not disclose nor suggest that "partial dynamic summaries are transmitted in a digital stream which includes a specific identifier. Nor does Machida use a version number for updating purposes. (Page 10)

The examiner disagrees. Machida clearly states that the broadcasting is done via the well-known Digital Video Broadcasting standard (column 6, lines 26-28), which utilizes different channels and identifiers to distinguish video, application packets from

one another (column 6, lines 24-46). In figure 7, a version field 130 which includes version number, update time and date information is referenced.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2, 4-6, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,589,892 to Knee in view of U.S. Patent 6,536,041 to Knudson.

Regarding claims 1 and 4, Knee discloses a process for transmitting service information in a television system comprising transmitter, which transmits data over input 11 to a receiver (figure 1),  
transmitting an event (a "sports program" column 41, lines 34-60);  
transmitting successive partial dynamic summaries relating to disjoint times  
(games scores, sports information such as updated game scores, detailed team specific

Art Unit: 2623

information, and related interactive services etc, sports scores and information by be broken down for disjoint periods of times, such as scores by quarter, or at halftime, column 44, lines 15-33) of the said event, the content of a current version of the dynamic summary being dependent on the content of the event occurring since the transmission of the previous version of the summary up to the instant of transmission of the current version of the dynamic summary (column 41, lines 56-59, column 42, lines 33-58, figures 48, 52);

transmitting a time indication tied with each partial dynamic summary (column 42, lines 51-56, the scores being shown by inning with the inning being a time indication)

and at the receiver 605 (figure 58),

presenting an upgradeable summary of said event being the result of concatenating of the versions within a buffer 15 (summaries are illustrated in figures 50, 52 and 54, column 43, lines 21-54, column 44, lines 16-33, column 46, lines 33-44, 56-column 47, line 18)

and at the level of the receiver of:

concatenating partial dynamic summaries received in the memory of the receiver, the upgradeable summary of said event being the result of the concatenating of the versions (column 40, lines 42-55, column 44, lines 22-33, Figure 47), and the time indication tied with the last partial dynamic summary incorporated in the upgradeable summary (column 42, lines 51-56, the scores shown by inning, with the inning being a time indication).

Knee fails to disclose concatenating successive versions of summaries, and displaying the summary in a window of a screen at the receiver.

Knudson discloses that successive versions of a dynamic summary (updated sports scores) of a sporting event are transmitted from a real-time source to a user set top device at a regular interval (column 17, lines 26-45, 53-62, column 18, lines 4-31, figure 20), the summary information is displayed in a window (controllable ticker in figures 14a,27a/b), thus enabling a user to track the progress of a sporting event with the most up to date information available while viewing the event.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knee to utilize the successive versions of the summaries and display the summary information in a window to a user, as taught by Knudson, thus enabling a user to track the progress of a sporting event with the most up to date information available while viewing the event.

Regarding claim 2, Knee discloses that periodically, following the occurrence of a particular situation in the content of an event, an updated version is transmitted to a user. (column 45, lines 60-column 46, line 16).

Knudson is relied upon to teach transmission of successive versions.

Regarding claim 5 and 6, Knee discloses that the retrieval of real time data occurs when a user enters a sports mode of the EPG application residing on the STB (column 46, line 46-column 47, line 18).

Regarding claim 9, Knee discloses a receiver for receiving service information in a television system, comprising:

- receiving means for receiving events (sports games) and versions of an upgradeable partial dynamic summaries of the said event (summaries shown Figures 50, 52, and 54, which are games scores, detailed team specific information, and related interactive services, sports scores and information by be broken down for disjoint periods of times, such as scores by quarter, or at halftime, column 44, lines 15-33) via a virtual channel (column 44, line 66-column 45, line 16) and a time indication tied with each partial dynamic summary (column 42, lines 51-56, the scores being shown by inning with the inning being a time indication);

- means for concatenating versions successively received (column 41, lines 34-62, column 42, lines 45-53, column 43, lines 29-32, column 44, lines 22-33, column 46, line 56-column 47, line 18), the upgradeable summary of the said event being the result of the concatenating of the versions of dynamic summaries (column 41, lines 56-59, column 42, lines 33-58, figure 48, figure 50, column 43, lines 21-54, column 44, lines 16-33, column 46, lines 33-44, 56-column 47, line 18);

- memory means 18 for storing the upgradeable summaries in the receiver (figure 47, column 4, lines 11-20) ;

-display means 33 for displaying the upgradeable summaries (figure 47), and the time indication tied with the last partial dynamic summary incorporated in the

upgradeable summary (column 42, lines 51-56, the scores shown by inning, with the inning being a time indication).

Knee inherently transmits different versions of the real time data, as different versions of the data are required for a game being watched in real time to keep a user updated as to the current score, quarter or time remaining.

Knee fails to disclose concatenating successive versions of summaries.

Knudson discloses that successive versions of a dynamic summary (updated sports scores) of a sporting event are transmitted from a real-time source to a user set top device at a regular interval (column 17, lines 26-45, 53-62, column 18, lines 4-31, figure 20), the summary information is displayed in a window (controllable ticker in figures 14a,27a/b), thus enabling a user to track the progress of a sporting event with the most up to date information available while viewing the event.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Knee to utilize the successive versions of the summaries and display the summary information in a window to a user, as taught by Knudson, thus enabling a user to track the progress of a sporting event with the most up to date information available while viewing the event.

Regarding claim 10, Knee discloses that the sports score info is presented to a user when a user enters sports browse mode (column 46, line 46-column 47, line 18).

Art Unit: 2623

Regarding claim 11, Knee discloses that when the data feed is accessed to provide information for a game currently in progress, microcontroller 16 causes VDG 23 to display the current score, and time remaining for a basketball, football or hockey game (column 44, lines 22-29), data is detected and extracted by VBI decoder 30a (Figure 47, column 40, lines 42-55, column 46, line 56-column 47, line 18).

3. Claims 3 and 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,589,892 to Knee in view of U.S. Patent 6,536,041 to Knudson in further view of U.S. Patent 6,035,304 to Machida.

Regarding claims 3 and 8, Knee discloses that a real time data feed may provide sports information.

The combination of Knee and Knudson is silent regarding an identifier and display of time and version information.

Machida discloses an EPG system in which the EPG data has time and data information, as well as a version attribute 130, a STB utilizes this information to determine how "fresh" the data is (column 14, lines 30-44, column 24, line 60-column 25, line 19).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the combination of Knee and Knudson to utilize the version attribute of Machida thus enabling a user to keep track of when a version of the data was received to track the progress of a sporting event.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hunter B. Lonsberry  
Primary Examiner  
Art Unit 2623

HBL